

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
)	
v.)	3:05-CR-234-A
)	[WO]
)	
TYRONE WHITE)	

ORDER

In response to the Superseding Indictment filed herein on January 20, 2006 (DOC. 177), the Notice of Appearance on behalf of the Defendant, filed on February 8, 2006, by Atty. Russell T. Duraski (DOC. 122), and the Motion to Withdraw as defense counsel, filed on February 9, 2006, by Atty. Julian McPhillips (DOC. 126), the court held telephone conferences this day – first with Atty. McPhillips and next with Attys. Duraski and Allison Highley, for the defendant, and Assistant U.S. Atty. Todd Brown – to discuss scheduling issues on pretrial motions in this case now set on the criminal term commencing March 27, 2006. Based on the representations of counsel, including defendant's intent to file today an unopposed motion to continue trial to the next scheduled term, the court deems it necessary and appropriate to allow a reasonable time for new defense counsel to deliberate with client and co-counsel regarding defense strategies in the best interest of his client and otherwise to prepare a competent defense. Accordingly, for this good cause, it is

ORDERED that **defense counsel file not later than February 27, 2006**, notice whether changed circumstances, including but not limited to the superseding indictment, warrant that any of the following motions filed for the defendant – now submitted on briefs and/or arguments and/or an evidentiary hearing – be (a) withdrawn, (b) denied as moot, or (c) renewed, in part or in their

entirety:

<i>Doc. No.</i>	<i>Motion</i>	<i>(filing date)</i>
39	Motion to Dismiss Indictment and for Sanctions	(11/16/2005)
40	Motion to Dismiss Counts	(11/16/2005)
72	Third MOTION to Dismiss Indictment	(11/29/2005)
73	Second MOTION Challenging Petit Jury Composition	(11/29/2005)
74	Motion for Discovery	(11/29/2005)
103	Motion to Dismiss	(12/19/2005)
105	Supplemental Motion to Dismiss Count	(12/20/2005)
112	Motion for Sanctions	(01/16/2006)
113	Motion to Compel	(01/16/2006)

It is further

ORDERED that *defense counsel and/or government counsel provide notice to the court by February 27, 2006 if (a)* the listed motions omit any pending motion, and *(b) if* meaningful discussions in pursuit of an alternative resolution of the superseding indictment make it prudent and conservative of the court's strained resources to stay determination on any motion for a reasonable period which will still facilitate ruling well in advance of the trial date should a breakdown in discussions occur.

DONE THIS 10TH DAY OF FEBRUARY, 2006.

/s/ Delores R. Boyd
 DELORES R. BOYD
 UNITED STATES MAGISTRATE JUDGE